

Filed
JAN 23 2015
Missouri Ethics
Commission

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	Case No. 14E120
v.)	
)	
DR. SCOTT SPRINGSTON,)	
)	
Respondent.)	

CONSENT ORDER

The parties have filed a Joint Stipulation of Facts, Waiver of Hearing, and Proposed Consent Order with the Missouri Ethics Commission in this matter. Accordingly, the Missouri Ethics Commission accepts as true the facts stipulated and finds that Respondent Springston violated Sections 115.646 and 130.031.8, RSMo.

The Commission directs that all terms and orders of the Joint Stipulation be adopted herein and implemented.


1. Respondent shall comply with all relevant sections of Section 115.646 and Chapter 130, RSMo.
2. The parties acknowledge that the Park Hill School District will adopt a procedure that, in the future, the Superintendent of Schools or his/her designee will review all publicly funded informational items related to ballot issues prior to distribution.
3. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondent Springston in the amount of \$1,000 pursuant to Section 105.961.4(6), RSMo. However, if Respondent pays \$100 of that fee within forty-five (45) days after the date of this Order, the remainder of the fee will be stayed, subject to the

provisions below. The fee will be paid by check or money order made payable to and sent to the Missouri Ethics Commission.

4. If Respondent Springston commits any further violation or violations of the campaign finance laws under Section 115.646, or Chapter 130, RSMo, within the two-year period from the date of this order, then Respondent will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that Respondent committed such a violation.

SO ORDERED this 23rd day of January, 2015

By:



Charles E. Weedman, Jr., Chair
Missouri Ethics Commission

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BEFORE THE
MISSOURI ETHICS COMMISSION

MISSOURI ETHICS COMMISSION,)
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) Case No. 14E120
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v.)
)
DR. SCOTT SPRINGSTON,)
)
) Respondent.
)

**JOINT STIPULATION OF FACTS, WAIVER OF HEARING
BEFORE THE MISSOURI ETHICS COMMISSION, AND
CONSENT ORDER WITH JOINT PROPOSED
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The undersigned parties jointly stipulate to the facts and consent to the action set forth below.

The undersigned Respondent, Dr. Springston, acknowledges that he has received and reviewed a copy of the Complaint filed by the Petitioner in this case, and the parties submit to the jurisdiction of the Missouri Ethics Commission.

The undersigned Respondent further acknowledges that he is aware of the various rights and privileges afforded by law, including but not limited to: the right to appear and be represented by counsel; the right to have all charges against Respondent be proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Respondent; the right to present evidence on Respondent's behalf at the hearing; and the right to a decision upon the record of the hearing. Being aware of these rights provided to Respondent by operation of law, the undersigned Respondent knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Stipulation of Facts, Waiver of Hearing before the Missouri Ethics Commission, and Consent

Order with Joint Proposed Findings of Fact and Conclusions of Law, and agrees to abide by the terms of this document.

I.

Based upon the foregoing, the Petitioner and the undersigned Respondent jointly stipulate to the following and request that the Missouri Ethics Commission adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law, as follows:

JOINT PROPOSED FINDINGS OF FACT

1. The Missouri Ethics Commission is an agency of the State of Missouri established pursuant to Section 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130 and Section 115.646, RSMo.

2. Respondent Springston is the superintendent of the Park Hill School District and was so at all times relevant to this complaint.

3. Pursuant to Section 105.961, RSMo, the Commission's staff investigated a complaint filed with the Commission and reported the investigation findings to the Commission.

4. Based on the report of the Commission's staff, the Commission determined that there were reasonable grounds to believe that violations of law occurred, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.

COUNT I

Use of Public Funds

5. The Park Hill School District expended public funds to publish and distribute newsletters, emails, and website information regarding a proposed ballot measure for the April 8, 2014, election.

6. Under Section 115.646, RSMo, the Park Hill School District may expend public funds to publish and distribute factual information about proposed ballot measures.

7. School districts may not expend public funds to “advocate, support or oppose” ballot measures. § 115.646, RSMo.

8. Most of the materials circulated by the Park Hill School District provided factual information about the proposed ballot measure, and the Park Hill School District adopted a policy in December 2013 that “No contribution or expenditure of district funds shall be made directly by any Park Hill School District Board member, employee or agent of the district to advocate, support or oppose any ballot measure . . .”

9. For example, most material provided by the District stated how the money would be used on various projects, with the phrase “the Board put a question on the April 8 ballot asking voters to increase the levy by 32 cents.”

10. However, some of the materials paid for by the Park Hill School District contained the statement “In order to prepare our students for 21st-century college and careers, the Park Hill School District is asking voters to approve a levy increase on April 8.”

11. Prefacing the Park Hill School District’s announcement with the phrase “In order to prepare our students for 21st-century college and careers,” advocated and supported the ballot measure.

12. An example of the announcement discussed in paragraphs 8 and 9 above is attached hereto and incorporated by reference as Exhibit A.

13. Respondent Springston had access to these Park Hill School District materials prior to their distribution to the public, but did not review the portion of the materials now at issue.

COUNT II

"Paid for by" disclosure

14. The Park Hill School District published, circulated, and distributed printed materials that related to a ballot measure proposing a levy increase in the April 8, 2014, election.

15. Examples of the printed materials include parent newsletters, flyers, and a "Park Hill School District Connection" publication, all of which conveyed information, such as the language of the ballot measure, the amount of the proposed levy, the proposed uses of the funds raised by the levy.

16. An example of the printed materials discussed in paragraphs 20 and 21 above is attached hereto and incorporated by reference as Exhibit A.

17. The printed materials should have included the following "Paid for by" disclosure statement:

Paid for by Park Hill School District
Dr. Scott Springston, Superintendent
7703 NW Barry Road
Kansas City, MO 64153

18. Some of the Park Hill's printed materials regarding the ballot measure included "Paid for by" disclosure language, but other materials did not.

JOINT PROPOSED CONCLUSIONS OF LAW

COUNT I

Use of Public Funds

19. "No contribution or expenditure of public funds shall be made directly by any officer, employee or agent of any political subdivision to advocate, support, or oppose any ballot measure or candidate for public office," § 115.646, RSMo.

20. "This section shall not be construed to prohibit any public official of a political subdivision from making public appearances or from issuing press releases concerning any such ballot measure." § 115.646, RSMo.

21. There is probable cause to believe that Respondent Springston violated Section 115.646, RSMo, by making an expenditure of public funds to support a ballot measure by including in a school district newsletter the statement above.

COUNT II

"Paid for by" disclosure

22. "Any person publishing, circulating, or distributing any printed matter relative to . . . any ballot measure shall on the face of the printed matter identify in a clear and conspicuous manner the person who paid for the printed matter with the words "Paid for by" followed by the proper identification of the sponsor pursuant to this section." § 130.031.8, RSMo.

23. "For the purposes of this section, 'printed matter' shall be defined to include any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered material." § 130.031.8, RSMo.

24. "In regard to any printed matter paid for by a corporation or other business entity, labor organization, or any other organization not defined to be a committee by subdivision (9) of section 130.011 and not organized especially for influencing one or more elections, it shall be sufficient identification to print the name of the entity, the name of the principal officer of the entity, by whatever title known, and the mailing address of the entity." § 130.031.8(3), RSMo.

25. There is probable cause to believe that Respondent Springston violated Section 130.031.8, RSMo, by publishing, circulating, and distributing a newsletter relating to a ballot

measure without placing on the newsletter the words "Paid for by" followed by the proper identification of the school district and its principal officer.

II.

Based on the foregoing, the parties hereto mutually agree and stipulate that the following shall constitute the order entered by the Missouri Ethics Commission in this matter. This order will be effective immediately upon the issuance of the Consent Order of the Missouri Ethics Commission without further action by any party:

1. The parties to this Joint Stipulation understand that the Petitioner will maintain this Joint Stipulation as an open and public record of the Missouri Ethics Commission.

2. The Commission shall issue its Consent Order in the form attached hereto as Exhibit A.

a. Respondent shall comply with all relevant sections of Section 115.646 and Chapter 130, RSMo.

b. The parties acknowledge that the Park Hill School District will adopt a procedure that, in the future, the Superintendent of Schools or his/her designee will review all publicly-funded informational items related to ballot issues prior to distribution.

c. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondent Springston in the amount of \$1,000, pursuant to Section 105.961.4(6), RSMo. However, if Respondent pays \$100 of that fee within forty-five days after the date of the Order, the remainder of the fee will be stayed, subject to the provisions below. The fee will be paid by check or money order made payable to the Missouri Ethics Commission.

d. If Respondent Springston commits any further violation or violations of the campaign finance laws under Section 115.646, or Chapter 130, RSMo, within

the two-year period from the date of this order, then Respondent will be required to pay the remainder of the fee. The fee will be due immediately upon final adjudication finding that Respondent has committed such a violation.

3. The parties consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings before the Commission based upon the Complaint filed by the Petitioner in the above action.

4. Respondent, together with his heirs, successors, and assigns, does hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited to, a claim for attorney's fees whatsoever which Respondent or Respondent's attorney may now have or which they may hereafter have, which are based upon or arise out of the above cases.

SO AGREED:

RESPONDENT SCOTT SPRINGSTON

PETITIONER MISSOURI ETHICS
COMMISSION

By: *Scott Springston* 1-12-15
Dr. Scott Springston Date

By: *James Klahr* 1-22-15
James Klahr Date
Executive Director

By: *Linda Salfrank* 1-12-15
Linda Salfrank Date
Attorney for Respondent

By: *Curtis R. Stokes* 1-22-15
Curtis R. Stokes Date
Attorney for Petitioner



Park Hill South Friday Panther Parent Newsletter



March 28, 2014

Attachments

Burns & McDonnell, Physical Form

Important Dates

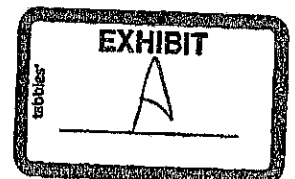
March 28th PHS Causal Dance 8-11pm PHS
March 29th Ethnic Festival at PHS 11am-3pm
March 28-29 Prom Dress Drive (More Information in Newsletter)
April 4th & 5th Spring Play "You can't take it with you" at 7:30pm
April 7th Josten's Cap & Gown Delivery at Lunch 11:13-1:08
April 11th Spring Blood Drive
April 12th ACT Testing check in at 7:30am test starts at 8am
April 17th Josten's additional Cap & Gown Delivery 7-7:30am
April 21st PTA Parent Social 7pm
April 26th District Art Fair at PHS 12-7pm
April 27th District Art Fair at PHS 12-4pm
April 28th Senior Awards 10am in the Auditorium
Senior Information page starts on page 12.

Park Hill School District Levy for FLiP and Safety:

Levy for FLiP and Safety:

In order to prepare our students for 21st-century college and careers, the Park Hill School District is asking voters to approve a levy increase on April 8. The 32-cent increase would allow our schools to finish rolling out the Future Learner Project, or FLiP, which is a big shift in our classrooms to make them more student-centered. Increased access to technology makes it possible for our teachers to provide more personalized instruction to our students. Our costs for FLiP include teacher training, additional technology and more tech support.

The levy will make it possible for us to kick-start the safety projects we are developing from the recommendations in our recent safety audit. Although the auditor said Park Hill's safety is excellent, he did give us some suggestions, and we are working with law enforcement and other key stakeholders to select the best, most effective solutions. We have a district budget for addressing safety programs, the levy will allow us to speed up these projects.





South Friday Panther Parent Newsletter

April 4, 2014

Important Dates

- April 4th&5th Spring Play "You can't take it with you" at 7:30pm
- April 7th Josten's Cap & Gown Delivery at Lunch 11:13-1:08
- April 11th Spring Blood Drive 7:30-1:30
- April 12th ACT Testing check in at 7:30am test starts at 8am
- April 17th Josten's additional Cap & Gown Delivery 7-7:30am
- April 17th PHS Talent Show
- April 19th Sports Physicals at PHS 9am-3pm (boy's 9-11/girl's 1-3)
- April 21st PTA Parent Social 7pm
- April 26th District Art Fair at PHS 12-7pm
- April 27th District Art Fair at PHS 12-4pm
- April 28th Senior Awards 10am in the Auditorium
- May 3rd Prom – Embassy Suites Hotel KCI (More information below)

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There are many questions in the community about the levy, and you can find all the answers on the levy page on our district website, www.parkhill.k12.mo.us. If you have any questions, feel free to call us at school or to call the district office.

Here is a recent article in the Kansas City Times regarding FLiP <http://www.kansascity.com/2014/03/24/4914008/park-hill-district-ready-to-plunge.html>

Summer School Information

Summer school enrollment is going on now through April 15. Visit the district website at www.parkhill.k12.mo.us for more information and the enrollment form.

Spring Play "You can't take it with you."

Join us for the fun when the conservative Kirby's meet Grandpa's family! It's a laugh a minute when the government "J" men step in and almost stop the course of "true Love."